



AMERICAN ACADEMY OF PEDIATRICS

All-Terrain Vehicle Regulation Act

A BILL TO REGULATE ALL-TERRAIN VEHICLES ("ATVs") BY, AMONG OTHER THINGS, BANNING THE SALE OF THREE-WHEEL ATVs, PROHIBITING OPERATION OF ATVs BY PERSONS UNDER SIXTEEN YEARS OF AGE, IMPOSING OPERATOR LICENSING AND VEHICLE REGISTRATION AND INSURANCE REQUIREMENTS, PROHIBITING OPERATION OF ATVs IN A CARELESS AND RECKLESS MANNER, AND IMPOSING VEHICLE AND OPERATING SAFETY REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF : _____

Section 1. Title. This Act shall be known and may be cited as the "ALL-TERRAIN VEHICLE REGULATION ACT"

Section 2. Legislative Findings.

(a) The legislature hereby finds and declares that nationwide:

- ◇ 1. injuries associated with all-terrain vehicle use have more than tripled between 1983 and 1986;
- ◇ 2. since 1982, more than 1,100 all-terrain vehicle riders have been killed and nearly 420,000 injured, with annual emergency room treatments of injuries related to all-terrain vehicle use increasing from 8,600 in 1982 to 26,900 in 1983, to 63,900 in 1984, to 85,900 in 1985, and to 86,400 in 1986;
- ◇ 3. nearly one-half of all individuals injured in all-terrain vehicle accidents are under 16 years of age;
- ◇ 4. over one-half of all individuals injured in all-terrain vehicle accidents do not wear any type of protective equipment; and
- ◇ 5. three-wheel all-terrain vehicles are particularly dangerous and create a substantial risk of injury to the public.

(b) It is therefore the purpose of this act to regulate the use of all-terrain vehicles in this state.

Section 3. Definitions.

(a) "All-terrain vehicle" means any off-highway

vehicle fifty(50) inches (1270mm) or less in width, having a dry weight of six hundred (600) pounds (273 kg) or less, traveling on three (3) or more low-pressure tires, having a seat or saddle designed to be straddled by the operator and handlebars for steering control, and such other off-highway vehicles as may be designated by the Department.

(b) "Commissioner" means the (Commissioner of Natural Resources].

(c) "Dealer" means any person engaged in the business of selling, leasing or renting all-terrain vehicles at retail, at a regular place of business.

(d) "Department" means the [Department of Natural Resources].

(e) "Manufacturer" means any person engaged in the business of manufacturing all-terrain vehicles or any importer, distributor, factory branch or factory representative of the manufacturer..

(f) "Owner" means any person having a property interest or title to an all-terrain vehicle and entitled to the use and possession of the vehicle.

(g) "Person" means every natural person, firm, copartnership, association or corporation.

(h) "Register" means the act of assigning and recording a registration number for an all-terrain vehicle.

Section 4. Ban of three-wheel all-terrain vehicles.

(a) The sale of three-wheel all-terrain vehicles by manufacturers or dealers is prohibited.

(b) The manufacturers of three-wheel all-terrain vehicles shall provide to persons who -

- ◇ 1. before the date of the enactment of this act, purchased three-wheel all-terrain vehicles, and
- ◇ 2. return the vehicles to the manufacturer in accordance with regulations of the Department

under subsection (c)(l), a refund in an amount determined under such regulations.

(c) Not later than one hundred eighty (180) days after the date of the enactment of this the Commission shall promulgate a rule:

- ◇ 1. prescribing the procedure for the return of three-wheel all-terrain vehicles for purposes of receiving the refund under subsection (b), and
- ◇ 2. for determining the amount to be refunded under subsection (b). Refunds shall equal the purchase price of the all-terrain vehicle, less a reasonable allowance for use if a vehicle has been in the possession of a consumer for more than one (1) year as of the effective date of this Act.

Section 5. Requirements of dealers to distribute safety information

(a) Dealers shall distribute such information to all-terrain vehicle purchasers on state laws, safety requirements, training programs, operating characteristics and potential risk of injury associated with all-terrain vehicles, as is prescribed by the Commissioner under subsection (b).

(b) Not later than one hundred eighty (180) days after the date of this enactment, the Commissioner shall promulgate a rule prescribing the information that must be provided by dealers to purchasers of all-terrain vehicles under subsection (a).

Section 6. Prohibition against all-terrain vehicle operation by persons under sixteen (16) years of age.

No person under sixteen (16) years of age shall operate an all-terrain vehicle anywhere in this state, at any time or under any circumstances.

Section 7. Licensing Requirement.

(a) No person sixteen (16) years of age or older shall operate an all-terrain vehicle within this state unless the person satisfies one of the following conditions:

- ◇ 1. the person is operating the vehicle as part of a prescribed vehicle safety education, training and skills demonstration program and is under the direct supervision of a certified all-terrain vehicle safety instructor; or
- ◇ 2. the person holds a current operator's license issued by this state or issued under the authority of another state or province of Canada; provided, however, that an operator's

license issued under the authority of another state or province of Canada shall only be valid in this state if the Commissioner has previously certified that said state or province's licensing requirements are substantially comparable to those of this state.

- ◇ **(b) 1.** No later than one hundred eighty (180) days after the date of enactment of this act, the Commissioner promulgate rules establishing procedures for licensing operators of all-terrain vehicles, as well as a comprehensive all-terrain vehicle safety education, training and skills demonstration program. The program shall include a knowledge and skills test incorporating minimum requirements designed to develop and instill the knowledge, attitudes, habits and skills necessary for the safe operation of an all-terrain vehicle.
- ◇ 2. The Commissioner shall not issue an all-terrain vehicle operator's license to any individual unless he or she has successfully completed the vehicle safety education, training and skills demonstration program, passed the knowledge and skills test and otherwise complied with such procedures as, have been established by the Commissioner.

Section 8. Registration and insurance requirement.

(a) Except as provided in subsection (b), no person may operate an all-terrain vehicle within this state after [December 31, 19__] unless the all-terrain vehicle has been registered annually with the Department and there is displayed on the left rear fender of the vehicle a decal showing the registration number and expiration date.

(b) A registration is not required for the following:

- ◇ 1. all-terrain vehicles owned and operated by the United States, another state or a political subdivision thereof;
- ◇ 2. all-terrain vehicles owned and operated by this state or by any municipality or political subdivision thereof; and
- ◇ 3. all-terrain vehicles covered by a valid registration of another state or country that have not been within this state for more than thirty (30) days.

(c) A person may not register any all-terrain vehicle unless there is a liability insurance policy in force on the vehicle covering claims by the operator or other persons for any injuries to them or their property that might arise out of the operation of the vehicle

- ◇ 1. the liability for at least: insurance shall provide coverage
 - (i) \$50,000 bodily injury per individual:
 - (ii) \$100,000 bodily injury per accident: and
 - (iii) \$10,000 property damage protection.
- ◇ 2. the owner of the vehicle shall furnish proof of insurance to the Commissioner annually at the time that the vehicle is registered. The owner shall notify the Commissioner immediately if the coverage terminates for any reason before the expiration of the annual registration of the vehicle.

(d) No later than one hundred eighty (180) days after the date of enactment of this act, the Commissioner shall promulgate rules relating to all-terrain including:

- ◇ 1. application for. and registration of. all-terrain vehicles and display of registration numbers:
- ◇ 2. use of all-terrain vehicles that affect fish and game resources;
- ◇ 3. use of all-terrain vehicles on public lands and waters under the jurisdiction of the Department:
- ◇ 4. uniform signs to be used by the state. municipalities and political subdivisions of
- ◇ the state to control, direct or regulate the operation and USC of all-terrain vehicles: and
- ◇ 5. assessment of a reasonable fee payable by applicants to cover the cost of registration, said fee not to exceed \$25.00.

Section 9. Operation of all-terrain vehicle in careless or reckless manner prohibited.

No person shall operate an all-terrain vehicle in a careless or reckless manner so as to endanger or cause injury or damage to any person or property.

Section 10. Operation on streets, roads and highways prohibited.

(a) Except as provided in this section, an all-terrain vehicle shall not be driven or operated on any public street. road or highway of this state.

(b) The crossing of a street, road or highway is permitted only if:

- ◇ 1. the crossing is made at an angle of approximately ninety degrees (90) to the direction of the highway and at a place where no

obstruction prevents a quick and safe crossing;

- ◇ 2. the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
- ◇ 3. the operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
- ◇ 4. in crossing a divided highway, the crossing is made only at an intersection of the highway with another public street. road or highway; and
- ◇ 5. if equipped, both the headlight and taillight are on when the crossing is made. (c) The crossing of any interstate or limited access highway is not permitted.

Section 11. Helmet and eye protection required.

No person shall operate, ride or be otherwise propelled on an all-terrain vehicle within this state unless the person wears a safety helmet meeting United States Department of Transportation standards for motorcycle helmets and eye protection meeting Department standards. No later than one hundred eighty (180) days after the date of enactment of this act. the Commissioner shall promulgate rules establishing safety standards for such eye protection.

Section 12. Passengers prohibited.

No operator of an all-terrain vehicle shall carry a passenger when operating the vehicle within this state.

Section 13. Operating under the influence of alcohol or a controlled substance prohibited.

A person shall not operate or be in actual physical control of an all-terrain vehicle in this state when the person is: (a) under the influence of alcohol;

(b) under the influence of one or more controlled substances;

(c) under the influence of a prescription or non prescription drug that impairs vision or motor coordination; or

(d) under the influence of a combination of any two or more of the elements in subsections (a) through (c)

Section 14. Operation after sunset prohibited.

No person shall operate an all-terrain vehicle between sunset and sunrise.

Section 15. Service brakes.

being enacted into law.

Every all-terrain vehicle must be equipped with a brake system maintained in good operating condition.

Section 16. Muffler.

Every all-terrain vehicle must be equipped with a muffler system in good working condition.

Section 17. Spark arrester.

Every all-terrain vehicle must be equipped with a United States Forest Service qualified spark arrester.

Section 18. Exhaust system modifications prohibited. No person shall:

- (a) equip the exhaust system of an all-terrain vehicle with a cutout, bypass or similar device;
- (b) operate an all-terrain vehicle with an exhaust system so modified; or
- (c) operate an all-terrain vehicle with the spark arrester removed or modified.

Section 19. Responsibility of owner.

No owner shall authorize or permit an all-terrain vehicle to be operated contrary to this act.

Section 20. Accidents and accident reports.

if an accident results in the death of any person. or in the injury of any person which results in treatment of the person by a physician, the operator or owner of each all-terrain vehicle involved in the accident shall give notice of the accident in accordance with Department regulations. No later than one hundred eighty (180) days after the date of enactment of this act, the Commissioner shall promulgate rules for giving such notice.

Section 21. Civil penalties.

(a) Any person who violates section 4(a) shall be subject to a civil penalty not to exceed \$1,000 for each such violation. A violation of section 4(a) shall constitute a separate violation with respect to each sale prohibited thereby.

(b) Any person who violates any section of this act other than section 4(a) shall be subject to a civil penalty not to exceed \$200 for each such violation.

Section 22. Effective date.

This act shall become effective immediately upon